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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,221	06/15/2001	Richard J Titmuss	36-1439	6037

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EXAMINER

MANIWANG, JOSEPH R

ART UNIT PAPER NUMBER

2144

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,221

Applicant(s)

TITMUSS ET AL.

Examiner

Joseph R. Maniwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9, 10, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-10, and 15-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. Claims 1-5, 9, 10, 15, and 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Zhao et al. ("Flexible Network Support for Mobility", ACM/IEEE, Proceedings of the Mobile Computing and Networking (MobiCom), p. 145-156, Dallas, TX, Oct 1998), hereinafter referred to as Zhao.
3. Regarding claims 1, 9, 10, and 15, Zhao disclosed a method and system comprising sending a data stream from a correspondent host to a home agent located in the home network of a mobile terminal (see Abstract; section 2), the mobile terminal sending a request for the data stream to be transmitted by the correspondent host (see section 3.1) and the mobile terminal communicating with the home agent to transmit the network location of the mobile terminal to the home agent (see sections 5.3.1, 5.3.2); and forwarding the one or more data streams to the mobile terminal, wherein the mobile terminal sends to the home agent information about the current availability of different communications channels, the home agent selecting the appropriate communications channel in accordance with the type or characteristics of data to be communicated to the mobile terminal (see section 5.3.1).

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4. Regarding claim 2, Zhao disclosed the method and system wherein in response to a change in the information about the current availability received by the home agent at least one of the data streams is forwarded by the home agent to a network cache, said at least one of the data streams being stored in the network cache until the home agent forwards said at least one of the data streams to the mobile terminal (see section 4.3).

5. Regarding claim 3, Zhao disclosed the method and system wherein the request sent by the mobile terminal to the correspondent host is sent via the home agent (see section 3.2).

6. Regarding claim 4, Zhao disclosed the method and system wherein all communication from the home agent to the mobile terminal is routed via a foreign agent, the foreign agent being located in a subnetwork to which the mobile terminal is connected (see section 2).

7. Regarding claim 5, Zhao disclosed the method and system wherein all communication from the mobile terminal to the home agent is routed via a foreign agent, the foreign agent being located in a subnetwork to which the mobile terminal is connected (see section 2).

8. Regarding claim 16, Zhao disclosed the method and system wherein the instructions executable by the computer provide a signal effective to register a mobile unit with a network and the signal comprises a Mobile IP registration packet comprising one or more Mobile IP extensions each comprising an Extension field and a Length field, wherein the one or more Mobile IP extensions

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comprise a Network Type Field and a Care-of-Address field (see section 5.3.2, Figure 6, Figure 7, Figure 8).

Claim Rejections - 35 USC § 103

9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao et al. ("Flexible Network Support for Mobility", ACM/IEEE, Proceedings of the Mobile Computing and Networking (MobiCom), p. 145-156, Dallas, TX, Oct 1998), hereinafter referred to as Zhao, and further in view of Kikinis (U.S. Pat. No. 6,553,410).

10. Zhao disclosed a method of transmitting data to a mobile client having multiple network connections. The invention utilized Mobile IP (see Abstract), where it was disclosed that a correspondent host could transmit data to a mobile terminal. The data was first intercepted by a home agent, which then forwarded it to a mobile terminal (see section 2). Zhao disclosed that a mobile device could request the data, such as in a web transfer (see section 3.1). The mobile terminal sent location updates to the home agent (see sections 5.3.1, 5.3.2). Based on such connectivity data, the home agent forwarded the requested data from the correspondent host to the mobile terminal (see section 2).

11. While disclosing the possibility of a home agent receiving a change in connectivity data, Zhao did not specifically disclose reducing content forwarded to a mobile terminal, wherein the reduction further comprises conversion of the data to a lower resolution.

12. In a related art of network data communications, Kikinis disclosed a method and system for providing improved data transmission to computer connected to a network. In particular, Kikinis disclosed the invention in the context of portable (i.e., mobile) devices (see column 5, lines 36-49). Similar to the invention of Zhao, Kikinis disclosed that a mobile terminal could request web data over a network (see column 10, line 64 through column 11, line 11). A mobile terminal provided connectivity data to a proxy server, which in turn used the data to tailor content forwarded to the mobile terminal (see column 12, lines 11-26). The tailored data was in reduced form (see column 3, lines 8-18). Furthermore, the tailored data could be of lower resolution than the original (see column 8, lines 15-28; column 11, lines 22-28).

13. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Zhao and Kikinis to incorporate the provision of forwarding a reduced-content version of data to the mobile terminal, wherein the reduction comprised a conversion of the data to a lower resolution. The invention of Zhao related to the use of mobile terminals, which included lightweight, portable computers and laptops (see Abstract, Figure 9). With such devices, Kikinis recognized a problem of battery life (see column 2, lines 16-60). One of ordinary skill in the art then would have been motivated to consider the teachings of Kikinis as they proved advantageous when used with such portable devices, giving the added benefit of increased battery life and saved power (see column 5, lines 56-65).

Response to Arguments

14. Applicant's arguments filed 05/26/05 have been fully considered but they are not persuasive.

15. Regarding claims 1-5 and 8-14 rejected under 35 U.S.C. 102(a) as being anticipated by Zhao et al. ("Flexible Network Support for Mobility", ACM/IEEE, Proceedings of the Mobile Computing and Networking (MobiCom), p. 145-156, Dallas, TX, Oct '1998), hereinafter referred to as Zhao, Applicant asserts that Zhao fails to disclose "wherein the mobile terminal sends to the home agent information about the current availability of different communications channels, the home agent selecting the appropriate communications channel in accordance with the type or characteristics of data to be communicated to the mobile terminal" as recited in independent claims 1, 9, and 10. Applicant asserts that it is the mobile terminal of Zhao that instructs the home agent which network to use for each different data flow, and not the home agent that selects the appropriate communication's channel as required by claim 1. Examiner submits that Zhao reads upon the broadly claimed limitation argued by Applicant. Examiner asserts that the mobile host sends to the home agent information about the current availability of different communications channels, rather than instructing the home agent which network to use. As disclosed by Zhao, the mobile host sends a Flow-to-Interface binding to its home agent to specify the addresses that the home agent should use to forward packets (see section 5.3.1), thus sending information about the current availability of different communications channels as claimed. Additionally, Zhao disclosed that after receiving such bindings, the

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home agent receives packets and searches its binding list to determine which address to use in forwarding the packet to the mobile host (see section 5.3.1), thus selecting the appropriate communications channel in accordance with the characteristics of the data to be communicated to the mobile host as claimed.

16. Regarding claims 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao in view of Kikinis (U.S. Pat. No. 6,553,410), Applicant asserts that the references are non-analogous art. In response to applicant's argument that Kikinis is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both references cited relate to computer networks, as acknowledged by Applicant, and are thus within the same field of Applicant's endeavor and therefore analogous art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARC D. THOMPSON
MARC THOMPSON
PRIMARY EXAMINER